

Schools Forum Document FZ Appendix 1 – SEND Timeline

Reminder of SEND and Behaviour Key Strategic Items Presented to and Discussed by the Schools Forum since September 2014

This is an abridged copy of the record from the minutes of Schools Forum meetings. The intention is to give Members a reasonably simple but detailed summary of what has been presented to the Schools Forum and what Forum Members have said and agreed on key High Needs funding and provision matters. Some of the more technical detail recorded in the minutes has been deliberately removed to aid clarity.

- **17 September 2014**

The Assistant Director, Access and Inclusion, presented Document DD, which provides a clear statement of how the provisions for secondary aged pupils have developed. It was agreed that the development of primary and secondary provisions needs to be brought together strategically.

- **22 October 2014**

The Senior Schools Finance Officer presented a report, Document DN, which asked the Forum to consider and agree the proposed consultation on the High Needs Block funding model for 2015/16, and which provided further information on review items that had been progress by the SEN Reference Group and proposed new bids for funding from the 2015/16 DSG. The Forum's discussion around cost pressures on the High Needs Block focused, in particular, on two specific funding issues:

- Firstly, the Authority's strategic response to the growth in the numbers of children presenting with autism (ASD). Appendix 4 alerts Members that a new Special school may be required by September 2018, which will have financial implications. Members agreed that the Multi Agency Strategic Group be established.
- Secondly, the benchmarking of values of Plus (top up) funding for places in alternative provisions.

- **7 January 2015**

The Senior School Finance Officer reported back to Members the information requested at the last meeting on the actual occupancy of places at the PRUs and Behaviour Centres since September 2013 (matters arising document 3). The Vice Chair expressed concern about the low levels of occupancy of the Behaviour Centres and said that she would be taking this forward with the established review group and with BPIP.

The following summarises the key strategic DSG recommendations made for the 2015/16 financial year relating to the High Needs Block:

- Agreed a Schools Block contribution for 2015/16 of £3.63m and an Early Years Block contribution of £0.34m to the High Needs Block.
- Agreed, in setting the DSG's High Needs Block planned spending for 2015/16, to initially ring-fence the planned spending on the Primary Behaviour Centres so that this sum is available in the re-development of primary-aged behaviour support strategies.
- Agreed, in setting the DSG's High Needs Block planned budget for 2015/16, to initially ring-fence spending on specific Early Years SEND budgets. The outcomes of the current review work in this area (to enable budgets to be deployed flexibly between different provisions in response to need) will be presented to the Forum for further consideration.

- Agreed that the principles to be established for Early Years SEND, that will enable the flexible allocation of budgets in year between place-led and centrally managed support services, are also established for support for visually and hearing impaired pupils.
- Agreed to expand the DSG's budget for specialist equipment to early years settings, at an annual cost of £25,000.
- Agreed to increase the value of the SEN Funding Floor for Primary schools / academies, at an estimated annual cost of £195,000.
- Agreed to fund a Specialist Teacher for early years within the Authority's ASD team, at an annual cost of £53,000, and an ASD Specialist Practitioner with the remit to support the work of the lead for early years, at an annual cost of £15,000.

A report was presented back to the Schools Forum on 7 January 2015 summarising the progress made on the review areas agreed by the Forum in March 2014 (as recorded in the 'DSG Reviews Matrix'). The Local Authority reported the following for High Needs Block review activities:

Review Area 2 – The High Needs Block Quality and Future Affordability

This area of review has been led by the Local Authority with input from the SEN Reference Group in particular, but also from other stakeholders e.g. early years. The main actions and outcomes from the review area are:

- We are clearer about the pressures on the High Needs Block and how these will map over the next couple of years. Our level of spend in 2015/16 is sustainable, if nothing changes, though only following contributions from the Schools and Early Years Blocks. However, we forecast that the growth especially in children presenting with ASD will exceed current support levels and a new provision (possibly a new school) is likely to be needed by September 2018, on top of additional provisions to meet the growth in SEND children that is resulting from demographic growth more generally. The Authority is currently developing new primary and secondary aged resourced provisions in 2015/16. A specific multi agency ASD group has been established to develop strategy and make recommendations on ASD provision. We identify that our DSG High Needs Block cannot fund such an increase in the level of provision in the future, without a significant injection of new money from Government. The outcomes of the DfE's call for evidence and holistic SEND funding review (expected for implementation April 2016) are critical for us in shaping our provisions.
- We have reviewed our Place-Plus Model and have consulted on this. This includes protection of smaller settings, which was a concern raised previously.
- The development of a holistic post 16 funding formula. The Authority is currently establishing a review group that will take this work forward and it is anticipated that a new model will be in place for August 2015.
- We have reviewed the relativity of levels of funding for SEN and for alternative provisions and have presented recommendations to the Schools Forum. This is an area that we will continue to monitor.
- We have identified where high needs budgets are not allocated in the right places to best meet (changing) demands and we are currently working on developing the principle, whereby high needs funding can be 'unlocked' from where it isn't needed and transferred to where it is e.g. moved from place-led funding at specialist settings that are under occupied to central support services that support mainstream provision where the children are. This in particular relates to the use of DSG resources for Early Years SEN and support for Hearing and Visually Impaired pupils. This is a mechanism that will help to manage (though to only a limited and probably short-term extent) growing cost pressures within the DSG.
- The Forum has received reports on how the additional resources allocated to HI / VI services and for Early Years this year have been used to raise quality. The Forum is currently being asked to consider additional resources in specific areas in 2015/16. In particular, the Forum is asked to consider increasing the value of the SEN Funding Floor for primary mainstream settings, in support of maintaining quality of provision for

children at School Action / School Action Plus, especially in settings that do not receive significant values of Pupil Premium.

Review Area 11 – Behaviour Support Services

This continues to be an area of focus for the Schools Forum and for headteachers / other strategic groups.

- In discussing the application of the Surplus Balances Protocol to District PRU, the Schools Forum received a report, which outlined clearly the different provisions within the District's strategy for secondary-aged behaviour support. A number of clear strategic themes emerged from discussions on this matter, including how the District's strategy responds to the increasing number of new arrivals. Bradford Partnership has nominated 3 secondary headteachers to act as strategic leads.
- A Primary Behaviour Strategy Group is currently meeting and is considering how the resources available within the DSG for supporting behaviour in the primary phase are most effectively utilised.
- The Schools Forum, via the SEN Reference Group, has further considered the relativity of levels of funding for alternative provisions. This has led to a strengthening of processes for the funding of non-statemented pupils in the PRUs for 2015/16 and is an area that will continue to be closely watched.
- The cost to the DSG of alternative provisions in Bradford is 'under control' through establishing a maximum number of funded places. The cost of out of authority placements must continue to be closely monitored.

• **11 March 2015**

The SEN Planning and Project Manager presented a report, Document EI, which provides the Schools Forum with further information on the development of the District's strategy in response to the growth in children presenting with ASD needs. Members were reminded that this item follows from the discussions in the meeting of 22 October 2014 and in the context of the Authority's current forecasting data, which strongly indicates the need for the creation of c. 84 additional high needs places for children with ASD needs by September 2018 and therefore, possibly the establishment a new special school. It was explained that this would have revenue and capital cost implications for both the DSG and for the Authority, which need to be considered as early as possible. Members were reminded that a specific multi-agency group has been established to explore options and to make recommendations on the delivery model for how this additional growing need will be most effectively met. Following the initial presentation of the report:

- A Member raised concerns that the forecast of growth may be too low, suggesting that more than an additional 84 places may be needed.
- It was clarified that any new school, under current Regulations, would need either to be an academy or a free school. It is important for Forum Members and the Authority to be aware / to recognise in planning that a new free school would established without capital cost to the Authority. Because of this, the options around a free school should be seriously explored.
- It was requested that more specific detail on the cost implications, both revenue and capital, of the different options be provided.

• **20 May 2015**

The Interim Assistant Director, Access and Inclusion, outlined the current position of the reviews of behaviour support services, explaining that she has initiated a fresh holistic review, recognising the amount of money spent in this area, the existence of some gaps in our provisions and in limitations in how responsive our existing provisions are in meeting pupil-need. Members understood the importance of getting this review work right. The Vice Chair added that, from her research, her immediate concerns about potential blockages in the system of referrals to the

Primary Behaviour Centres have been allayed. The Strategic Director, Children's Services gave his support to these reviews, recognising the time that is required to get provision right and also recognising the need for effective and sensitive communication and engagement.

A report was presented, Document EP, which provided the Schools Forum with an update on the development of the District's strategy in response to the forecasted future growth in children presenting with ASD needs. The report asked the Forum to initially consider the cost appraisal on the main options being developed by the Working Group. In presenting this update, the SEN Planning and Project Manager stressed that the Group has asked for wider consultation now to take place with stakeholders on the development of provision, and that this was a key next step. In responding to this report, Forum Members made the following comments:

- The needs of pupils should drive the strategy.
- That wider consultation is crucial and that the Authority needs to think carefully about how it consults effectively with parents, guardians and carers about their preferences (as these preferences may largely determine how provision needs to be delivered in the future).
- That the strategy and consultation has to seriously consider the development of a 'hybrid' model, where additional provision is delivered through the establishment of a new school / academy / free school but also additional resourced provisions that are dispersed across the District. Although a single stand-alone school may be the most cost effective model (though there would be transport costs to consider), a hybrid model is likely to be the reality of what will be required.
- That there is an opportunity to consider the development of a regional response. This is especially important in considering the possibility of the establishment of a new free school, which will have financial advantage to the District (in terms of capital set up costs and post opening budget support) but which may not provide the full solution and may not enable the Authority to fully control how it meets growing need (as the Authority is not the admissions body for a free school).
- That the Forum would like a detailed update on the outcomes of consultation.

- **21 October 2015**

The Business Advisor (Schools) presented a report, Document FI, which asked Members to agree the publication of the proposed consultation document on the High Needs Block funding model for 2016/17. It was explained that this document includes the number of places the Authority plans to commission and the arrangements for paying top up (Plus) funding. Members were also asked to begin to consider the issues the report raises regarding on-going affordability pressures within the High Needs Block. Members asked the following questions and made the following comments:

- That it would be useful for the Forum to be provided with data, which shows the extent to which children move up the ranges funding model as they progress through primary to secondary provision, including those that may progress to be funded through an independent or out of authority provision.
- That the SEN Reference Group has identified, and is beginning to consider further, what benchmarking data highlights about how the number of specialist places provided in the Bradford District differs from the numbers in other authorities. This data will be presented in summary to the Schools Forum and the next meeting and that this will likely provide context to considerations around the 2016/17 DSG allocation and affordability pressures. The Vice Chair welcomed discussion on this data taking place in the full Schools Forum. Following the Chair's suggestion, the Business Advisor explained that it may be useful for a single item agenda / education select committee style Forum meeting to be arranged in the new year, specifically to consider evidence and comparative data concerning the District's SEND places provision, how the

District's places sufficiency strategy could develop and how this may be affected by developments nationally e.g. a national funding formula.

- That there are a number of issues previously raised with the Forum that are outstanding to be concluded or resolved, including the development of the District's strategy and provision for behaviour support and for ASD need.

- **9 December 2015**

The Strategic Director of Children's Services gave a PowerPoint presentation to Members of the Council's (Children's Services) budget position and the proposals for 2016/17 that are currently out for consultation across the District. Following from the information provided to the Schools Forum in October, the presentation included an overview of the individual Children's Services proposals for savings being consulted on by the Executive and explanation of the proposed establishment of a virtual school for vulnerable children and the proposed extension of the sector-led delivery model to SEND specialist teaching services. The Strategic Director outlined the 4 key blocks of the proposals and key think behind proposals in each of these: SEN and Inclusion, Skills, Safeguarding and Social Care and Early Help, and improvement in education outcomes

The Interim Assistant Director, Access and Inclusion, explained the basis of the proposals for the establishment of a single virtual school for vulnerable children; that there will be significant advantage, operationally and financially, in bringing together new to English, Education Social Work and Behaviour support services. She also explained further the proposal to re-align specialist teaching services with schools and stated that she has a number of meetings with colleagues arranged to further explore how these previously very traditionally managed support services could be delivered in a different way. It is understood that there is a large number of staff attached to these teams. In the subsequent discussion Members made the following comments and asked the following questions:

- Whether the Council's proposals result in 'bunting shunting' towards the DSG / delegated school budgets. The Strategic Director responded to say that this is not the intention and that we do not think that the proposals do this, but that we need to have clear impact measures in place. The Chair asked for further information to be provided to the Forum on what liabilities may transfer to schools following the establishment of a SEND sector-led model (including liabilities for central infrastructure and other costs).
- Referring to the information presented on the sufficiency of specialist SEND places, we know that pressures are already present and we need to think about the development of specialist teaching services in the context of the necessary growth in the number of places over the next 5 years. We should be looking strategically at where we want to be in 2020 and work back from this. We need to future proof the changes we make now.
- A timeline for implementation, with milestones both for the SEND strategy and for the development of the SEND sector-led delivery, is needed. In particular, it was necessary to have this so that school leaders can manage transition, messages and expectations. This was raised as an important matter by a number of Members and was accepted and agreed by the Strategic Director.
- Whether the voluntary sector, and the 0-7 pathway, will come into considerations about sector-led delivery? The Interim Assistant Director, Access and Inclusion, stated that all aspects of service delivery are 'on the table'.

The Business Advisor (Schools) presented a report, Document FO, which asked Members to consider the outcomes of the consultation on the 2016/17 High Needs Funding Model and the planned number of high needs places to be commissioned by the Authority. Document FO also gave an update on the position of other strategic high needs funding matters, including benchmarking information on places provision. The Business Advisor focused on the proposals for 2016/17 listed on the second page of the report and on what the benchmarking information indicates

about the sufficiency of high needs places in Bradford. In the subsequent discussion Members made the following comments and asked the following questions:

- Whether capital funding was available to enable the growth in the number of available high needs places? The Business Advisor reported that capital funding is available through the EFA for Free School developments, but that there is little funding available through the Local Authority.
- The Vice Chair stated that she feels uncomfortable talking about a more 'segregated' education model and asked Members to be aware of the issues related to inclusion that are within these discussions. Bradford has developed a strongly inclusive model and we must be very careful to understand how such a model has helped secure 'social tolerance' regarding SEND.
- Parental preference and choice are important to consider in developing our future strategy. The Representative of the PRUs, stating that we should be proud of our inclusivity, also commented that he is coming across a greater number of families wishing to access more specialist provisions.

The Interim Assistant Director, Access and Inclusion, responded to say that she is heartened by the comments from Members on inclusion and that she has a sense that MLD children should be educated in mainstream settings. The issues raised relate to the pressures on provision for children with greater levels of need and there is a sense that our number of high needs places is insufficient. The Interim Assistant Director then presented Appendix 2, which provided Members with an update on the development of the District's behaviour strategy. In recognising the current pressures and challenges, the Interim Assistant Director emphasised the positive aspects of provision in Bradford, including our low (below average) rate of permanent exclusions and the strengths of the BACs model. It was explained that a strategic partnership has been established, which meets on a monthly basis, and work streams have begun with a 3 month outcome timeline. Two of our PRUs are effectively special schools in that they provide longer-term rather than turn-around provision and re-designation of these provisions is being considered. It is very likely that these review work stream will conclude that a greater number of behaviour support places are needed across the District.

Responding to the question asked in an earlier item about the SEND strategy review and the development of the sector-led SEND model, the Interim Assistant Director stated that this review will look at how provision will develop over the next 5 years. Members asked some questions on how this strategy (a final draft to be available on 17 December) will be in place to inform spending decisions and how this will be consulted on. It was explained that the work streams will be pulled together early next year. A Member expressed concern from this about the potential for the current lack of clarity about the timeline for the delivery of significant change to have a negative impact. Another Member stated that, given the information is telling us that we need more high needs places, and given that other local authorities are already approaching MATs in developing their provisions, we need to be working as a priority to identify possible sponsors and / or local partners to establish free schools.

In the discussion on the possible implications of a national funding formula, the Business Advisor (Schools) offered a view of the 3 key identified risks to the funding of the Bradford District: a) the anticipated reduction in the proportion of the national DSG pot that is allocation towards supporting additional education needs (which will reduce our level of funding compared with that of authorities that have a lower level of e.g. deprivation); b) as a greater proportion of children with high needs are educated in mainstream settings in Bradford, and as our DSG spending profile follows this, that any reduction in our Schools Block level of funding is likely to have a greater impact where our High Needs Block is not increased to compensate for this ; c) the movement away from supporting the budgets of smaller schools through lump sum funding, which may quite significantly affect the financial viability of small and stand-alone settings.

- **6 January 2016**

The Chair explained that he feels strongly that he has a role as Chair to talk directly to the Strategic Boards and Partnerships about the substantial issues that are being considered by the Schools Forum, especially the SEND reviews. A letter on this basis will be sent (from the Chair and Vice Chair) to the Strategic Boards.

The Chair also stated clearly that it is crucial the Schools Forum receives comprehensive updates on outstanding discussion matters. The Chair's final remarks to the meeting emphasised the importance of this to all in attendance that have responsibility in these areas.

It was reported specifically that, in confirming the DSG settlement for 2016/17, Bradford has been allocated an additional unexpected sum of £1.09m in High Needs Block funds, which helps substantially in the management of the overall cost pressure on the DSG. This allocation reduces the overall funding gap from the previously estimated £2.7m to £1.7m. It was explained that, as part of its recommendations, the Schools Forum will be asked to remove this funding gap by reducing rates of formula funding across all 3 DSG Blocks, which is the recommendation of the Formula Funding Working Group. The Business Advisor confirmed that a flat reduction of 0.42% in rates across the 3 Blocks was required to resolve this funding gap. The Business Advisor explained the continuation (and increase) in the subsidy of the High Needs Block costs by the other 2 DSG Blocks; Schools Block a £5.18m and the Early Years Block a £0.39m contribution. In summarising the Business Advisor's presentation, the Chair emphasised the subsidy of the Schools Block of High Needs Block costs and the further support of this position in the proposed use of one off monies (for behaviour).

The following summarises the key strategic DSG recommendations made for the 2016/17 financial year relating to the High Needs Block:

- Agreed a Schools Block contribution for 2016/17 of £5.18m and an Early Years Block contribution of £0.39m to the High Needs Block.
- Retain all current budget allocations within the High Needs Block in the 2016/17 financial year unless otherwise specifically stated. This is done on the understanding that the proposed re-commissioning of SEND teaching support services (proposed in the Council's budget consultation for 2016/17) may mean that centrally managed budgets are re-allocated (to schools) during the financial year. The Schools Forum will be further consulted on this.
- Calculate the initial planned cost of High Needs Block spending in 2016/17 (place-led and plus elements) on the allocation of places for Bradford-located settings at a total of 2,000 for the 2016/17 academic year. This is the same as presented to the Forum in December in Document FO Appendix 1 at individual institution level, but with an adjustment to increase the number of secondary-aged alternative provision places to 394.
- Increase the planned budget in the High Needs Block by £500,000 for the cost of placements in independent settings and non-maintained special schools.
- Continue to apply the established principle that the distribution of alternative provision places (394 places) can move flexibly with the needs of students as identified by the Local Authority and the BACs and that the total number of places can be exceeded where a clear mechanism is in place for the DSG to be reimbursed for the cost of these from the BACs.
- Continue the additional £180,000 allocated to Primary-aged behaviour support. How this funding is to be used (and allocated to places at individual settings) will be determined by the review.
- Add to the initial setting-identified planned places provision an additional, currently unallocated, budget for a further 10 places at April 2016 and 20 places at September 2016 (calculated at £20,000 per place and rounded to a total cost of £400,000), which is available to fund both SEND and alternative provision additional places.

- Allocate the £600,000 of secondary one off monies to help resolve the immediate pressure for places, especially at District PRU.
- The funding released from the reduction in places in the ARCs (places have been reduced by 18) to be transferred to be available a) to meet the cost of placements in other delegated settings and b) to ensure that the centrally managed teaching service has sufficient capacity to support children in mainstream settings.
- Control the growth in cost pressure / help support meeting the funding gap in the overall DSG that is the result of the growth in pressure in the High Needs Block (as outlined in Document FQ) by making the following adjustments:
 - Reduce the rates of Top Up in the HNB Funding Model for all Place-Plus calculated budgets by the same % that Early Years, Primary and Secondary variables are reduced by in order specifically to meet the funding gap. That the values of Top Up for each Range are reduced by the same %. This is a reduction of 0.42%. Funding values are shown in Document FT Appendix 3.
 - Apply the same % reduction (0.42%) to all centrally managed / non-Place-Plus High Needs Block budgets.
 - Reduce the specialist equipment budget for special schools and academies by 50% at 1 April 2016, to £37,500.
- Agreed to continue a budget, at a value of £100,000, in the High Needs Block to be available to contribute to capital costs associated with the expansion of existing, or the establishment of new, resourced provisions.

- **16 March 2016**

The Business Advisor (Schools) presented a briefing on the 1st stage consultation on the implementation of a national funding formula for schools and high needs provision. Critically:

- The NFF proposals do not introduce a provider-level national formula for HNB funded providers. Local authorities will continue to have responsibility for the management / formula funding of High Needs Block (HNB) provisions after April 2019.
- The continuation of Place-Plus
- The DfE expects much closer collaboration between local authorities in funding arrangements and in commissioning provision. The DfE also expects that local authorities will consider the organisation of their alternative provisions and how these are funded.
- The DfE sees the importance of local authorities (and high needs providers) finding significant efficiencies in their HNB provisions, including collaborative arrangements, but also using reserves within the DSG to support initial pressures and transition and accessing the capital support, which will be made available to reshape and increase places.
- The DfE is considering options for the review of alternative provision, to “make AP more rigorous” and will publish plans on this. This may affect how the different kinds of AP are funded.
- No formula solution has been put forward yet for the funding of Education in Hospital provision (still based on current levels of spending).
- Critically, during 2017/18 and 2018/19, it is proposed that 100% of the new Schools Block must be spent on primary and secondary formulae funding and cannot be diverted to support pressures in other Blocks i.e. the High Needs Block.
- In the future then, the cost of high needs provision must be met by the High Needs Block without call on other budgets or DSG blocks.